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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218431
Party	Defendant IGT
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Date	12/26/2014
Attachments	Answer to Opposition to DOUBLE DOWN STUD.pdf(152713 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DOUBLE DOWN, INC., Opposer, v. IGT, Applicant.	Opposition No.: 91218431 Mark: DOUBLE DOWN STUD Serial No.: 86/244,094
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ANSWER TO NOTICE OF OPPOSITION

IGT (“Applicant”), by and through its attorneys, answers Opposer Double Down, Inc.’s Notice of Opposition as follows:

[Unnumbered Paragraph]. Applicant denies that Opposer will be damaged by registration of Applicant’s DOUBLE DOWN STUD Mark (Ser. No. 86/244094) (“Applicant’s Mark”). Applicant is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations of the unnumbered paragraph and therefore denies them.

1. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 1 and therefore denies them.

2. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 2 and therefore denies them.

3. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 3 and therefore denies them.

4. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 4 and therefore denies them.

5. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 5 and therefore denies them.

6. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 6 and therefore denies them.

7. Applicant admits that Opposer is listed as the owner of U.S. Registration Nos. 3085525 and 3754434, the contents of which speak for themselves (hereinafter, the “Class 43 Registration” and the “Class 41 Registration,” respectively). Applicant also admits that both registration certificates include a disclaimer of the word SALOON. Applicant denies that Opposer owns or has any rights in the mark DOUBLE DOWN SALOON or DOUBLE DOWN for casino services and further states that Opposer’s Class 41 Registration is the subject of a separate cancellation proceeding (No. 92060105). Applicant is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations of Paragraph 7 and therefore denies them.

8. Applicant admits that Petitioner is listed as the owner of U.S. Application Serial Nos. 86/205,284 (“Petitioner’s Class 43 Application”) and 86/205,273 (“Petitioner’s Class 41 Application”), the contents of which speak for themselves. Applicant is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations of Paragraph 8 and therefore denies them.

9. Applicant admits that it is a Nevada corporation. Applicant denies the remaining allegations of Paragraph 9.

10. Applicant admits that, on April 7, 2014, Applicant filed an intent-to-use application to register Applicant’s Mark that was assigned Serial No. 86/244,094. Applicant further admits

that Applicant's Mark is the subject of this Notice of Opposition. Applicant denies the remaining allegations of Paragraph 10.

11. Applicant admits the allegations of Paragraph 11.
12. Applicant admits the allegations of Paragraph 12.
13. Applicant admits the allegations of Paragraph 13.
14. Applicant denies the allegations of Paragraph 14.
15. Applicant denies the allegations of Paragraph 15.
16. Applicant denies the allegations of Paragraph 16.
17. Applicant denies the allegations of Paragraph 17.
18. Applicant denies the allegations of Paragraph 18.
19. Applicant denies the allegations of Paragraph 19.

AFFIRMATIVE DEFENSES

FIRST DEFENSE (Failure to State a Claim)

The Notice of Opposition fails to state claims upon which relief can be granted.

SECOND DEFENSE (Registrant Has Priority; Opposer's Class 41 Registration is Invalid)

The Notice of Opposition is barred because Applicant has priority in the marks DOUBLEDOWN and DOUBLE DOWN, and Opposer's Class 41 Registration for casino services is invalid and subject to cancellation.

THIRD DEFENSE (Laches, Estoppel, Acquiescence)

The Notice of Opposition is barred in whole or in part by the doctrines of laches, estoppel, and/or acquiescence.

FOURTH DEFENSE
(Unclean Hands)

The Notice of Opposition is barred in whole or in part by the doctrine of unclean hands.

WHEREFORE, Applicant prays for judgment in its favor, dismissing the Notice of Opposition with prejudice, and finding that Applicant's DOUBLE DOWN STUD mark be permitted to mature to registration on the Principal Register of the United States Patent and Trademark Office.

December 26, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer to Notice of Opposition has been served on December 26, 2014, to the following by U.S. First Class Mail, postage prepaid:

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